

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-2, 4-5, 7, 9, 11-16, and 18-21 are presently active in this case, Claims 1, 4, 7, 11-13, 15, 18, and 20-21 having been amended and Claims 3, 6, 8, 10, and 17 having been canceled by the present amendment.

In the outstanding Official Action, Claim 1-21 were rejected under 35 U.S.C. 102 (e) as being anticipated by Brett (US 6,907,405).

In light of the outstanding ground for rejection, the claims have been amended to clarify the claimed invention and thereby more clearly patentably define over the cited prior art.

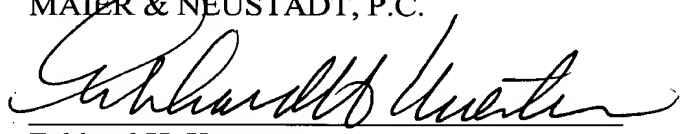
In particular, from the outstanding Office Action, it appears to Applicants that the Examiner has broadly interpreted the claim language “alternative merchandise information” as recited in the original independent claims, as “alternative bids” as disclosed in Brett.¹ To clarify the intended distinction, Claims 1, 4, 7, and 9 have been amended to distinguish “alternative merchandise information” from “alternative bids.” To that end, the subject matter of Claims 3, 6, 8 and 10 has been added to Claims 1, 4, 7 and 9, respectively, and Claims 3, 6, 8 and 10 have been canceled. Similarly, Claims 11-13, 15, 18, 20 and 21 have been amended to clarify that the alternative merchandise information notified to the a terminal is –except for a successful bidder–, i.e., information in regard to the successful bidder is not included in alternative merchandise information. In view of these clarifications, the pending amended claims are believed to be patentably distinguishing over Brett and in condition for allowance.

¹ Office Action, page 3 lines 1 to 4.

Consequently, in view of the present amendment and in light of the above comments, no further issues are believed to be outstanding, and the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

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